

**IN THE UNITED DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

| | | |
|---|---|-----------------------------|
| SHAWN REAVES on behalf of |) | |
| him and others similarly situated, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | CIVIL ACTION NUMBER: |
| |) | 3:05-CV-900-WKW |
| |) | |
| WILDCAT INVESTMENTS, |) | |
| L.L.C., AND B&B FOODS, |) | |
| L.L.C. |) | |
| |) | |
| Defendants. |) | |

PLAINTIFF’S MOTION TO AMEND THE COMPLAINT

COMES NOW the plaintiff in the above-styled cause and moves this Honorable Court for leave to amend his Complaint. In support of this motion, plaintiff states the following:

1. On September 21, 2005, plaintiff filed his Collective Action Complaint alleging violations by the defendants of the Fair Labor Standards Act.
2. Plaintiff’s complaint includes a retaliatory discharge claim. Plaintiff seeks to amend the complaint to dismiss his retaliation claim.
3. Plaintiff’s amendment is timely pursuant to the Court’s March 20, 2006, Order. Further, the defendant will not be prejudiced by this amendment and Rule 15

of the Federal Rules of Civil Procedure provides that leave to amend should be freely given.

4. There exists no “substantial reason” to deny the plaintiff’s motion. See, Shipner v. Eastern Air Lines, Inc., 868 F.2d 401, 407 (11th Cir. 1989)

5. A copy of plaintiff’s Amended Collective Action Complaint is attached hereto.

WHEREFORE, PREMISES CONSIDERED, plaintiff respectfully requests that this Court grant him leave to amend the complaint.

Respectfully submitted,

s/Maury S. Weiner
Jon C. Goldfarb
Maury S. Weiner
Attorneys for Plaintiff

OF COUNSEL:

WIGGINS, CHILDS, PANTAZIS & QUINN, LLC
The Kress Building
301 19th Street North
Birmingham, Alabama 35203
Telephone No.: (205) 314-0500
Facsimile No.: (205) 254-1500

CERTIFICATE OF SERVICE

I do hereby certify that I have filed a copy of the above and foregoing document with the Clerk of Court using the CM/ECF system which will send electronic notification to the following counsel of record:

Gregory H. Andrews
Isham R. Jones, III
Kerry Lin Davidson
Attorneys for Defendants
Andrews Koehler & Passarelli, P.C.
4343 Commerce Court, Suite 615
Lisle, Illinois 60532

this the 25th day of May, 2006.

s/Maury S. Weiner
OF COUNSEL